

California Regional Water Quality Control Board
North Coast Region

RESOLUTION NO. R1-2000-68

AUTHORIZATION TO AMEND AN AGREEMENT BETWEEN
THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD
AND
THE SONOMA COUNTY WATER AGENCY

- WHEREAS,** Under the state and federal water quality laws, North Coast Regional Water Quality Control Board (NCRWQCB) must prepare, review, and update the Water Quality Control Plan for the North Coast Region (Basin Plan), which must contain an inventory of beneficial uses of water within the Russian River Watershed and water quality objectives to protect those beneficial uses; and
- WHEREAS,** the Basin Plan must contain an implementation program to achieve the applicable water quality objectives identified in the Basin Plan, including an identification of the actions necessary to achieve the objectives, a time schedule for these actions, and a description of the surveillance necessary to determine compliance with the objectives; and
- WHEREAS,** use of the waters of the Russian River by coho salmon (*Oncorhynchus kisutch*), steelhead trout (*Oncorhynchus mykiss*) and chinook salmon (*Oncorhynchus tshawytscha*) is a beneficial use of the waters of the State; and
- WHEREAS,** the National Marine Fisheries Service (NMFS), has listed coho salmon, steelhead trout and chinook salmon as threatened within the Russian River Watershed, pursuant to its authority under the federal Endangered Species Act of 1973 (ESA); and
- WHEREAS,** the ESA prohibits certain activities that directly or indirectly affect endangered species and, under specified circumstances, activities that directly or indirectly affect threatened species; and
- WHEREAS,** many local, state and federal agencies are involved in developing watershed protection programs to benefit anadromous fish, including coho and chinook salmon and steelhead trout, which programs may incorporate existing regulatory activities such as Basin Plan, habitat conservation plans, sustained yield plans, best management practices, surface mining reclamation plans, conservation guidelines and similar endeavors, and
- WHEREAS,** the Sonoma County Water Agency (SCWA) is responsible for carrying out numerous water supply, flood control, drainage, estuary management, and sanitation activities, throughout the Russian River Watershed, which have the potential for impact on coho salmon, steelhead trout and chinook salmon; and

WHEREAS, the SCWA must ensure that its activities comply with the requirements of all applicable laws, including state and federal water quality laws and state and federal endangered species laws, and may, in the course of ensuring such compliance, be required to prepare and carry out plans to prevent or mitigate impacts on or enhance conditions for listed, proposed, candidate or other rare or declining species (hereinafter "listed and unlisted species"); and

WHEREAS, the SCWA requested that the NCRWQCB review its Basin Plan as applicable to the Russian River Watershed to determine whether activities conducted by the SCWA and other dischargers in compliance with existing water quality standards and objectives could have an impact on listed and unlisted species, and, if so, what amendments to those standards and objectives or additional standards and objectives are necessary to ensure the activities do not have an impact on listed and unlisted species; and

WHEREAS, amendments to the Basin Plan must be reviewed and approved by the State Water Resources Control Board (SWRCB), the State Office of Administrative Law, and by the federal Environmental Protection Agency (U.S. EPA) under state and federal water quality laws; and

WHEREAS, under the ESA, U.S. EPA must consult with NMFS prior to approving any amendments the Basin Plan; and

WHEREAS, SCWA's request is in the public interest, but NCRWQCB staffing and budget levels are not adequate to complete the necessary review within the time desired by SCWA; and

WHEREAS, the SCWA (Resolution No. 97-109) authorized the NCRWQCB to enter into a reimbursable contract with the SCWA not to exceed \$600,000; and

WHEREAS, The SWRCB and the NCRWQCB entered into Agreement No. 7-904-110-0 on January 1, 1998 for SCWA to reimburse the NCRWQCB to review its Basin Plan; and

WHEREAS, The NCRWQCB staff have completed the Basin Plan review and are preparing to propose amendments to water quality objectives; and

WHEREAS, the SCWA has requested the NCRWQCB to perform additional water quality related tasks associated with assisting in salmon recovery planning and expediting Basin Plan amendments, and

WHEREAS, the SCWA is willing to reimburse NCRWQCB for actual costs incurred in expediting the Basin Plan amendments process and assisting in salmon recovery planning efforts; and

WHEREAS, all NCRWQCB costs associated with this amended agreement will be reimbursed; and

WHEREAS, accomplishment of this reimbursed work will not adversely impact the current level of service provided to the public by the NCRWQCB staff.

THEREFORE, BE IT RESOLVED, that the NCRWQCB authorizes the Executive Officer to negotiate with the SCWA to extend the time and increase the dollar amount of Agreement No. 7-904-110-0 to be reimbursed for costs for expediting Basin Plan amendments process and assisting in salmon recovery planning; and

BE IT FURTHER RESOLVED, that NCRWQCB staff are directed to initiate deliberations with the NMFS and the U.S. EPA to review Federal Clean Water Act and State Water Quality Control Act, and the federal ESA for similarities in water quality regulations.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on August 25, 2000.

Lee A. Michlin
Executive Officer